

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEVIN ROBERTS,	)	
Plaintiff,	)	
	)	2:12cv1296
v.	)	Electronic Mail
	)	
	)	Judge David Stewart Cercone
	)	Magistrate Judge Maureen P. Kelly
ALLEGHENY COUNTY, a Municipal	)	
Corporation and Political Subdivision of	)	
The Commonwealth of Pennsylvania;	)	
RICH FITZGERALD, County Executive;	)	
DANIEL SULLIVAN, Pittsburgh Police	)	
Officer,	)	
Defendants.	)	

**ORDER OF COURT**

AND NOW, this 24<sup>th</sup> day of September, 2013, after Plaintiff, Kevin Roberts, filed an action in the above-captioned case, and after Defendant Daniel Sullivan filed a Motion to Dismiss, ECF No. 10, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the parties until September 13, 2013, to file written objections thereto, and no objections having been filed, and upon independent review of the record and [43] the Magistrate Judge's Report and Recommendation, IT IS ORDERED that [10] the Motion to Dismiss submitted on behalf of Defendant Daniel Sullivan be, and the same hereby is, granted in part and denied in part. The motion is granted as to all federal claims asserted against defendant Sullivan. The motion is denied as to all state law claims asserted against him. The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the court; and

IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of

Appellate Procedure if any party wishes to appeal from this Order a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

s/David Stewart Cercone  
David Stewart Cercone  
United States District Judge

cc: Honorable Maureen P. Kelly

Robert Borgoyne, Esquire  
Bryan Campbell, Esquire

*(Via CM/ECF Electronic Mail)*

Kevin Roberts  
JV-6013  
SCI Pittsburgh  
P.O. Box 99991  
Pittsburgh, PA 15233

*(Via First Class Mail)*